

FIRST REGULAR SESSION

SENATE BILL NO. 53

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DAYS.

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TERRY L. SPIELER, Secretary.

0156S.01I

AN ACT

To repeal sections 193.125 and 193.255, RSMo, and to enact in lieu thereof four new sections relating to adoption records.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 193.125 and 193.255, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 193.125, 193.128,
3 193.132, and 193.255, to read as follows:

193.125. 1. This section shall be known and may be cited as the "Debbi
2 Daniel Law".

3 2. Except as otherwise provided in subsection 3 of this section, for each
4 adoption decreed by a court of competent jurisdiction in this state, the court shall
5 require the preparation of a certificate of decree of adoption on a form as
6 prescribed or approved by the state registrar. The certificate of decree of
7 adoption shall include such facts as are necessary to locate and identify the
8 certificate of birth of the person adopted, and shall provide information necessary
9 to establish a new certificate of birth of the person adopted and shall identify the
10 court and county of the adoption and be certified by the clerk of the court. The
11 state registrar shall file the original certificate of birth with the certificate of
12 decree of adoption and such file may be opened by the state registrar only upon
13 receipt of a certified copy of an order as decreed by the court of adoption **or in**
14 **accordance with section 193.128.**

15 3. No new certificate of birth shall be established following an adoption
16 by a stepparent if so requested by the adoptive parent or the adoptive stepparent
17 of the child.

18 4. Information necessary to prepare the report of adoption shall be
19 furnished by each petitioner for adoption or the petitioner's attorney. The social

20 welfare agency or any person having knowledge of the facts shall supply the court
21 with such additional information as may be necessary to complete the
22 report. The provision of such information shall be prerequisite to the issuance
23 of a final decree in the matter by the court.

24 5. Whenever an adoption decree is amended or annulled, the clerk of the
25 court shall prepare a report thereof, which shall include such facts as are
26 necessary to identify the original adoption report and the facts amended in the
27 adoption decree as shall be necessary to properly amend the birth record.

28 6. Not later than the fifteenth day of each calendar month or more
29 frequently as directed by the state registrar the clerk of the court shall forward
30 to the state registrar reports of decrees of adoption, annulment of adoption and
31 amendments of decrees of adoption which were entered in the preceding month,
32 together with such related reports as the state registrar shall require.

33 7. When the state registrar shall receive a report of adoption, annulment
34 of adoption, or amendment of a decree of adoption for a person born outside this
35 state, he or she shall forward such report to the state registrar in the state of
36 birth.

37 8. In a case of adoption in this state of a person not born in any state,
38 territory or possession of the United States or country not covered by interchange
39 agreements, the state registrar shall upon receipt of the certificate of decree of
40 adoption prepare a birth certificate in the name of the adopted person, as decreed
41 by the court. The state registrar shall file the certificate of the decree of
42 adoption, and such documents may be opened by the state registrar only by an
43 order of court. The birth certificate prepared under this subsection shall have the
44 same legal weight as evidence as a delayed or altered birth certificate as provided
45 in section 193.235.

46 9. The department, upon receipt of proof that a person has been adopted
47 by a Missouri resident pursuant to laws of countries other than the United
48 States, shall prepare a birth certificate in the name of the adopted person as
49 decreed by the court of such country. If such proof contains the surname of either
50 adoptive parent, the department of health and senior services shall prepare a
51 birth certificate as requested by the adoptive parents. Any subsequent change
52 of the name of the adopted person shall be made by a court of competent
53 jurisdiction. The proof of adoption required by the department shall include a
54 copy of the original birth certificate and adoption decree, an English translation
55 of such birth certificate and adoption decree, and a copy of the approval of the

56 immigration of the adopted person by the Immigration and Naturalization Service
57 of the United States government which shows the child lawfully entered the
58 United States. The authenticity of the translation of the birth certificate and
59 adoption decree required by this subsection shall be sworn to by the translator
60 in a notarized document. The state registrar shall file such documents received
61 by the department relating to such adoption and such documents may be opened
62 by the state registrar only by an order of a court. A birth certificate pursuant to
63 this subsection shall be issued upon request of one of the adoptive parents of such
64 adopted person or upon request of the adopted person if of legal age. The birth
65 certificate prepared pursuant to the provisions of this subsection shall have the
66 same legal weight as evidence as a delayed or altered birth certificate as provided
67 in sections 193.005 to 193.325.

68 10. If no certificate of birth is on file for the person under twelve years of
69 age who has been adopted, a belated certificate of birth shall be filed with the
70 state registrar as provided in sections 193.005 to 193.325 before a new birth
71 record is to be established as result of adoption. A new certificate is to be
72 established on the basis of the adoption under this section and shall be prepared
73 on a certificate of live birth form.

74 11. If no certificate of birth has been filed for a person twelve years of age
75 or older who has been adopted, a new birth certificate is to be established under
76 this section upon receipt of proof of adoption as required by the department. A
77 new certificate shall be prepared in the name of the adopted person as decreed
78 by the court, registering adopted parents' names. The new certificate shall be
79 prepared on a delayed birth certificate form. The adoption decree is placed in a
80 sealed file and shall not be subject to inspection except upon an order of the
81 court.

**193.128. 1. Notwithstanding any other provision of law, an
2 adopted person, the adopted person's attorney, or the adopted person's
3 descendants, if the adopted person is deceased, may obtain a copy of
4 such adopted person's original certificate of birth from the state
5 registrar in accordance with this section.**

6 **2. In order for an adopted person to receive a copy of his or her
7 original certificate of birth, the adopted person shall:**

- 8 **(1) Be at least eighteen years of age;**
9 **(2) Have been born in this state;**
10 **(3) File a written application with and provide appropriate proof**

11 of identification to the state registrar; and

12 (4) If included with the copy of the original birth certificate,
13 agree in writing to abide by the birth parent's preference stated in the
14 contact preference form attached to the adopted person's original birth
15 certificate in accordance with section 193.132.

16 3. The state registrar may require a waiting period and impose
17 a fee for issuance of the uncertified copy under subsection 4 of this
18 section. The fees and waiting period imposed under this subsection
19 shall be identical to the fees and waiting period generally imposed on
20 persons seeking their own birth certificates.

21 4. Upon receipt of a written application and proof of
22 identification under subsection 2 of this section and fulfillment of the
23 requirements of subsection 3 of this section, the state registrar shall
24 issue an uncertified copy of the unaltered original birth certificate to
25 the applicant. If a contact preference and medical history form has
26 been completed and submitted to the state registrar under section
27 193.132, the state registrar shall also provide such information.

28 5. The provisions of this section shall not apply to adoptions
29 instituted or completed prior to August 28, 2009, except that a copy of
30 the medical history form, which has had all identifying information
31 redacted, shall be issued to such adopted person. For adoptions
32 instituted or completed prior to August 28, 2009, the state registrar
33 shall release the original certificate of birth only if the birth mother is
34 deceased. If the birth mother is not deceased, the state registrar shall,
35 within thirty days of application by the adopted person, contact the
36 birth mother via telephone, personally and confidentially, to obtain the
37 birth mother's consent or denial to release the original certificate of
38 birth. The state registrar shall not release the certificate of birth until
39 the birth mother submits a subsequent written consent for release.

40 6. The state registrar shall develop by rule the application form
41 required by this section and may adopt other rules for the
42 administration of this section. Any rule or portion of a rule, as that
43 term is defined in section 536.010, RSMo, that is created under the
44 authority delegated in this section shall become effective only if it
45 complies with and is subject to all of the provisions of chapter 536,
46 RSMo, and, if applicable, section 536.028, RSMo. This section and
47 chapter 536, RSMo, are nonseverable and if any of the powers vested

48 with the general assembly pursuant to chapter 536, RSMo, to review, to
49 delay the effective date, or to disapprove and annul a rule are
50 subsequently held unconstitutional, then the grant of rulemaking
51 authority and any rule proposed or adopted after August 28, 2009, shall
52 be invalid and void.

53 7. Nothing in this section shall be construed as violating the
54 provisions of section 453.121, RSMo.

193.132. 1. As used in this section, the following terms mean:

2 (1) "Adoptee", the person who is the subject of a birth certificate;

3 (2) "Birth parent", the person who is the biological parent of an
4 adoptee and who is named as the parent on the original birth
5 certificate of the adoptee;

6 (3) "Contact preference form", the form developed by the state
7 registrar under subsection 4 of this section;

8 (4) "Medical history form", the form developed by the state
9 registrar under subsection 3 of this section.

10 2. Notwithstanding any other provision of law, the state registrar
11 shall develop and, upon request, provide each birth parent with a
12 contact preference form and a medical history form as described in this
13 section.

14 3. A birth parent may use a medical history form to describe his
15 or her medical history. A birth parent shall fill out a medical history
16 form if such birth parent also fills out a contact preference form.

17 4. The birth parent may state a preference regarding contact by
18 an adoptee on a contact preference form. The form shall contain the
19 following statements from which the birth parent may choose only one:

20 (1) "I would like to be contacted. I have completed this contact
21 preference form and a medical history form and am filing both forms
22 with the State Registrar.";

23 (2) "I would prefer to be contacted only through an intermediary.
24 I have completed this contact preference form and a medical history
25 form and am filing both with the State Registrar."; or

26 (3) "Do not contact me. I may change this preference by filling
27 out another contact preference form. I have completed this contact
28 preference form and a medical history form and am filing both with the
29 State Registrar.".

30 5. Upon receipt of a completed contact preference form and a

31 medical history form, the state registrar shall attach the completed
32 forms to the original birth certificate of the adoptee. A completed
33 contact preference form and medical history form shall have the same
34 level of confidentiality as the original birth certificate.

35 6. The state registrar shall develop by rule the forms required by
36 this section and may adopt other rules for the administration of this
37 section. Any rule or portion of a rule, as that term is defined in section
38 536.010, RSMo, that is created under the authority delegated in this
39 section shall become effective only if it complies with and is subject to
40 all of the provisions of chapter 536, RSMo, and, if applicable, section
41 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
42 and if any of the powers vested with the general assembly pursuant to
43 chapter 536, RSMo, to review, to delay the effective date, or to
44 disapprove and annul a rule are subsequently held unconstitutional,
45 then the grant of rulemaking authority and any rule proposed or
46 adopted after August 28, 2009, shall be invalid and void.

47 7. Nothing in this section shall be construed as violating the
48 provisions of section 453.121, RSMo.

193.255. 1. The state registrar and other custodians of vital records
2 authorized by the state registrar to issue certified copies of vital records upon
3 receipt of application shall issue a certified copy of any vital record in his or her
4 custody or a part thereof to any applicant having a direct and tangible interest
5 in the vital record. Each copy issued shall show the date of registration, and
6 copies issued from records marked "Delayed" or "Amended" shall be similarly
7 marked and show the effective date. The documentary evidence used to establish
8 a delayed certificate shall be shown on all copies issued. All forms and
9 procedures used in the issuance of certified copies of vital records in the state
10 shall be provided or approved by the state registrar. **In accordance with**
11 **sections 193.128 and 193.132, the state registrar and other custodians**
12 **of vital records authorized by the state registrar to issue copies of vital**
13 **records shall issue an uncertified copy of an original birth certificate,**
14 **contact preference form, and medical history form to an adopted**
15 **person.**

16 2. A certified copy of a vital record or any part thereof, issued in
17 accordance with subsection 1 of this section, shall be considered for all purposes
18 the same as the original and shall be prima facie evidence of the facts stated

19 therein, provided that the evidentiary value of a certificate or record filed more
20 than one year after the event, or a record which has been amended, shall be
21 determined by the judicial or administrative body or official before whom the
22 certificate is offered as evidence.

23 3. The federal agency responsible for national vital statistics may be
24 furnished such copies or data from the system of vital statistics as it may require
25 for national statistics, provided such federal agency share in the cost of collecting,
26 processing, and transmitting such data, and provided further that such data shall
27 not be used for other than statistical purposes by the federal agency unless so
28 authorized by the state registrar.

29 4. Federal, state, local and other public or private agencies may, upon
30 request, be furnished copies or data of any other vital statistics not obtainable
31 under subsection 1 of this section for statistical or administrative purposes upon
32 such terms or conditions as may be prescribed by regulation, provided that such
33 copies or data shall not be used for purposes other than those for which they were
34 requested unless so authorized by the state registrar.

35 5. The state registrar may, by agreement, transmit copies of records and
36 other reports required by sections 193.005 to 193.325 to offices of vital statistics
37 outside this state when such records or other reports relate to residents of those
38 jurisdictions or persons born in those jurisdictions. This agreement shall require
39 that the copies be used for statistical and administrative purposes only, and the
40 agreement shall further provide for the retention and disposition of such
41 copies. Copies received by the department from offices of vital statistics in other
42 states shall be handled in the same manner as prescribed in this section.

43 6. No person shall prepare or issue any certificate which purports to be
44 an original, certified copy, or copy of a vital record except as authorized herein
45 or by regulations adopted hereunder.

46 7. Upon application from either parent, or if both parents are deceased,
47 the sibling of the stillborn child, pursuant to subsection 7 of section 193.165, the
48 state registrar or other custodians of vital records shall issue to such applicant
49 a certificate of birth resulting in stillbirth. The certificate shall be based upon
50 the information available from the spontaneous fetal death report filed pursuant
51 to section 193.165. Any certificate of birth resulting in stillbirth issued shall
52 conspicuously include, in no smaller than twelve-point type, the statement "This
53 is not proof of a live birth.". No certificate of birth resulting in stillbirth shall be
54 issued to any person other than a parent, or if both parents are deceased, the

55 sibling of the stillborn child who files an application pursuant to section
56 193.165. The state registrar or other custodians of vital records are authorized
57 to charge a minimal fee to such applicant to cover the actual costs of providing
58 the certificate pursuant to this section.

59 8. Any parent, or if both parents are deceased, any sibling of the stillborn
60 child may file an application for a certificate of birth resulting in stillbirth for a
61 birth that resulted in stillbirth prior to August 28, 2004.

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